

**IN THE UNITED STATES COURT OF THE WESTERN DISTRICT
OF PENNSYLVANIA**

**Norma Diane Fritz
5124 College Street
Finleyville Pa. 15332**

**PLAINTIFF
V.**

Case No. 2:12-cv-1725

**Capital Management
726 Exchange Street, Suite 700
Buffalo, New York 14210**

REQUEST FOR ADMISSIONS

DEFENDANT

**PLAINTIFF'S REQUESTS FOR ADMISSIONS DIRECTED TO
DEFENDANT**

To: Capital Management,
Plaintiff, Norma Diane Fritz is requesting Admissions for the purpose of this
action under the Federal rules of Civil Procedure, Rule 36

1. Admit that CMS is not in the possession of the **original**, authenticated
application or cardholder agreement depicting all of the terms and
conditions, allegedly signed and agreed to by the Plaintiff that would
authorize CMS to inquire into Plaintiffs' credit report.

ADMIT _____ DENY _____ SIGNATURE _____

EXHIBIT-B

2. Admit that Defendant does not possess and cannot produce a genuine, executed, unaltered application for credit from CMS with a genuine wet ink signature as required by law and must be produced and forwarded to the Plaintiff before trial, that would authorize CMS to inquire into Plaintiffs' credit report.

ADMIT _____ DENY _____ SIGNATURE _____

3. Admit that CMS will not produce a competent fact witness for deposition purposes with firsthand personal knowledge of the alleged account between the Plaintiff and the Defendant who can testify under oath that Plaintiff agreed to any of the terms and conditions of the alleged agreement, that would authorize CMS to inquire into Plaintiffs' credit report.

ADMIT _____ DENY _____ SIGNATURE _____

4. Admit that CMS is not in possession of a written assignment contract (principal/agent) for services between CMS and alleged original creditor .

ADMIT _____ DENY _____ SIGNATURE _____

5. Admit that CMS and alleged original creditor has failed to validate this alleged debt.

6. Admit that Plaintiff requested validation and disputed alleged debt.

ADMIT _____ DENY _____ SIGNATURE _____

7. Admit that the credit reporting agency Equifax deleted the CMS's inquiry into Plaintiffs credit report because there was no information to support CMS's unauthorized inquiry.

ADMIT _____ DENY _____ SIGNATURE _____

8. Admit that CMS closed an account allegedly belonging to the Plaintiff in 2010 without collecting because CMS failed to validate when the Plaintiff disputed and requested validation on an account unknown to the Plaintiff.

ADMIT _____ DENY _____ SIGNATURE _____

9. Admit that CMS had no permissible purpose to pull the Plaintiffs' credit report.

ADMIT _____ DENY _____ SIGNATURE _____

10. Admit a debt collector cannot collect on an open ended credit plan.

ADMIT _____ DENY _____ SIGNATURE _____

11. Admit CMS has damaged the Plaintiff as with a hard inquiry, others can view this inquiry and this inquiry could lower credit score.

ADMIT _____ DENY _____ SIGNATURE _____

12. Admit there was no information to support CMS's unauthorized inquiry.

ADMIT _____ DENY _____ SIGNATURE _____

13. Admit CMS did not have permissible purpose to make a hard inquiry into the Plaintiffs' credit report.

ADMIT _____ DENY _____ SIGNATURE _____

14. Admit that CMS on 11-6-201 had no evidence or right to pull the Plaintiff's credit report.

ADMIT _____ DENY _____ SIGNATURE _____

15. Admit that CMS is in possession/custody of a tangible written contract between CMS and an unknown original creditor that would allow CMS to pull the Plaintiffs credit report.

ADMIT _____ DENY _____ SIGNATURE _____

Norma D. Fritz
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**PLAINTIFF
V.**

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**Capital Management
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**REQUEST FOR
INTERROGATORIES**

DEFENDANT

PLAINTIFF'S INTERROGATORIES DIRECTED TO DEFENDANT

To: Capital Management Plaintiff, Norma Diane Fritz is requesting interrogatories for the purpose of this action In accordance with Federal rules of Civil Procedure, Rule 33.

1. Please describe in detail whether CMS has at any time purchased evidence of alleged debt from any entity that you allege would give you permissible purpose for obtaining the credit report of the Plaintiff. _____

SIGNATURE_____

2. Please describe what specific documents you are aware of and have in your possession, custody or control which support your defense of having a permissible purpose to obtain Plaintiff's credit report.

SIGNATURE_____

3. Identify each person whom you may call as an expert witness at trial including name, business address and telephone number, and the substance of the facts and opinions to which the expert may testify and summarize the grounds for each opinion.

SIGNATURE_____

4. Provide the date that CMS closed the alleged account and sent it back to the original alleged creditor which CMS could not or would not validate.

SIGNATURE_____

5. Explain the reason CMS never continued collection on this alleged debt that CMS said they had permissible purpose to pull plaintiff's credit report.

SIGNATURE_____

6. Describe in detail your exact policies and procedures designed to assure fulfillment of your duty to ascertain if there was any permissible purpose before obtaining Plaintiff's credit report.

SIGNATURE_____

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PLAINTIFF

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**Capital Management
726 Exchange Street, Suite 700
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**REQUEST FOR PRODUCTION OF
DOCUMENTS**

DEFENDANT

**PLAINTIFF'S REQUESTS FOR PRODUCTION OF DOCUMENTS
DIRECTED TO DEFENDANT**

To: Capital Management, Plaintiff, Norma Diane Fritz is requesting PRODUCTION OF DOCUMENTS, in accordance with Federal rules of Civil Procedure, Rule 34.

1. Produce for inspection and copying each **original** document in your custody or control which supports your claim of having a permissible purpose to obtain Plaintiff's credit report, including but not limited to, any **original** evidence of any debt that Plaintiff owed to you or any other entity.
2. Please provide any documents that in any way relate to the request made in (1) one of the interrogatories. (Which is; Please describe in detail whether CMS has at any time purchased evidence of alleged debt from any entity that you allege would give you permissible purpose for obtaining the credit report of the Plaintiff).

3. Please provide a copy of the bill of sale and any related or associated documents wherein CMS purchased or acquired evidence of any alleged debt in any form related in any manner to the Plaintiff.
4. Provide a copy of any documents including but not limited to any contract or assignment from any original creditor or other entities or persons that states CMS has contracted and authorizes the right of collection
5. Provide a copy of any certification provided by CMS to Equifax certifying that it had a permissible purpose to acquire any credit information of the Plaintiff.
6. Produce the original signed contract between Plaintiff and any entities claiming any evidence of any validated debt that Plaintiff allegedly owes to CMS or any other entity.
7. Produce the documents of when the alleged account that CMS acquired was closed, then sent back to the original creditor
8. Produce any and all documents the Plaintiff requested from CMS for validation from any or all entities.

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**IN THE UNITED STATES DISTRICT COURT FOR THE
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**NORMA DIANE FRITZ,
PLAINTIFF**

**CIVIL ACTION NO
2:12-1725**

v.

**CAPITAL MANAGEMENT
SERVICES, LP
DEFENDANT**

**SECOND REQUEST FOR
DISCOVERY**

SECOND REQUEST FOR DISCOVERY

**PLAINTIFF'S REQUESTS FOR ADMISSIONS DIRECTED TO
DEFENDANT**

To: Capital Management, today is March 29, 2013 and is this an additional request to produce this information Plaintiff needs for trial preparation and is sent today by e-mail and by certified U.S. mail. Plaintiff, Norma Diane Fritz is requesting this additional Admission for the purpose of this action under the Federal rules of Civil Procedure, Rule 36

16. Admit that CMS is not in the possession of the evidence of, and the language of the Certification to Equifax that authorized CMS permissible purpose to obtain Plaintiff, Norma D. Fritz's credit report on November 6, 2010 that is required by law.

ADMIT _____ DENY _____ SIGNATURE _____

**PLAINTIFF'S REQUESTS FOR PRODUCTION OF DOCUMENTS
DIRECTED TO DEFENDANT**

To: Capital Management: today is March 29. 2013 and Plaintiff, Norma Diane Fritz is requesting this additional production within the original PRODUCTION OF DOCUMENTS, in accordance with Federal rules of Civil Procedure, Rule 34.

9. Produce the tangible document that is required by law and the evidence of the Certification and the language that CMS provided to Equifax that authorized CMS to obtain /inquire, into Plaintiff's credit report and which allows permissible purpose for CMS . Please produce for inspection and copying.

PLAINTIFF'S INTERROGATORIES DIRECTED TO DEFENDANT

To: Capital Management Plaintiff, today is March 29, 2013 and Plaintiff Norma Diane Fritz is requesting this additional interrogatory for the purpose of this action In accordance with Federal rules of Civil Procedure, Rule 33.

10. Please describe in detail whether CMS at any time provided evidence and Certification to Equifax that CMS had permissible purpose on November 6, 2010 to obtain the Plaintiff's credit report and that is required by law to allow permissible purpose prior to obtaining a consumer s credit report. _____

SIGNATURE _____